

REMARKS

This paper is submitted in reply to the Office Action dated September 22, 2004, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claims 1-24 are pending in this application. The Office Action rejected claims 1-24 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-24 were further rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,389,402 to Ginter et al., U.S. Patent No. 6,389,402 (Ginter).

Applicants respectfully traverse the Examiner's rejections and objections as the cited reference does not disclose or suggest the invention as recited in any of claims 1-24. Applicants have nonetheless amended claims 1 and 11 in difference to the Examiner.

More particularly, Applicant's have incorporated into the bodies of independent claims 1 and 11 explicit recitations directed toward using a computer or computer network. As computers fall within the technological arts, Applicants respectfully request the withdrawal of the section §101 rejections.

As recited in claim 1, Applicants' invention uses the computer and an associated computer network to provide pet death care products, services and information to a preferred provider. The preferred provider, in turn provides needed products, services and information to pet owners. The preferred provider, e.g., a veterinarian, uses their skill and professional knowledge to administer the products, services and information. As such, the preferred provider uses the computer based pet death care resources as a tool to provide for third parties, i.e., pet owners.

Ginter discloses no such third party infrastructure. The absence of a supplier, provider and owner network is attributable to the disparate purpose of Ginter. Ginter relates to methods for securing transactions and electronic rights (Col. 2, lines 25-28; Abstract). For instance, Ginter is concerned with providing a secure chain of handling

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and control (Col. 6, Lines 17-23). Ginter is not concerned with how information is used, such as by providing a portal site that provides providers with needed resources.

Moreover, Ginter does not disclose or suggest the organization and infrastructure coordination required to supply pet death care products specifically tailored toward the needs of pet care providers. And why should it? Ginter is only concerned with securing the electronic information. In fact, Ginter could actually be used to augment the processes of the present invention by securing the computer network information provided to the preferred providers prior to their dispensing it to the pet owners. Consequently, there is no suggestion or motivation present in Ginter to receive at a computer pet death care resources from a supplier, nor is there a suggestion of a preferred provider receiving the resources, to dispense them to pet owners. Consequently, Applicants request reconsideration and allowance of claim 1, as well as of claims 2-10 that depend therefrom.

Independent claim 11 likewise recites in part the concept of providing death care products, services and information over a computer network from a supplier to a preferred provider, who then supplies the pet death care resources to pet owners. There is no suggestion of such a third party, computer-implemented system that facilitates the expertise, caring and skills of a veterinarian or other preferred provider. As such, claim 11 is allowable for the same reasons discussed above in connection with the rejection of claim 1. Reconsideration and allowance of claim 11 and of claims 12-24 that depend therefrom are respectfully requested.

Applicants therefore submits that all pending claims are patentable over the prior art of record, reconsideration and allowance of all pending claims are accordingly requested. Applicants respectfully submit that no new subject matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case on to allowance, the examiner may

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contact the undersigned an 513-241-2324. Moreover, if there are any charges or credits that are necessary to complete this communication, please apply them to Deposit Account 23-3000. A

12/17/04
Date

Respectfully submitted,



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